BEFORE THE NATIONAL LABOR RELATIONS BOARD
UNITED STATES OF AMERICA
REGION 19

VECO Alaska, Inc.

Employer

and Case 19-RC-14469

International Brotherhood
of Electrical Workers,
Local Union 1547, AFL-CIO, CLC[1]

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board. Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned. Upon the entire record[2] in this proceeding, the undersigned makes the following findings and conclusions.[3]

SUMMARY

The Employer is engaged in the business of providing oilfield support services throughout the State of Alaska. At issue in this case are the Employer's fire and gas department employees who, pursuant to a service contract, perform fire detection and prevention system services for British Petroleum (BP) at its facilities located at Prudhoe Bay on the North Slope of Alaska. The Petitioner filed the instant petition essentially[4] seeking to represent a unit of about 19 fire and gas technician employees employed in the Employer's fire and gas department. However, the Employer maintains that the unit sought by the Petitioner is inappropriate because it fails to include 12 fire maintenance technicians, who along with the fire and gas technicians, make up the fire and gas department. While the Petitioner maintains that the fire and gas technicians represent a "craft" warranting a unit unto themselves, the Employer

[1] The Petitioner's name appears as amended at the hearing.

[2] The Petitioner and the Employer filed timely briefs. The briefs were duly considered.

[3] The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. The labor organization involved claims to represent certain employees of the Employer. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

[4] In particular, the Union amended its petition at the hearing to seek a unit including all fire and gas technicians employed by the Employer in its fire and gas department at its operations on the North Slope oil fields of Alaska and excluding all other employees, all office clerical employees, confidential employees, guards and supervisors as defined in the Act.

maintains that the fire maintenance employees share an overriding community of interest with the fire and gas technicians, thereby warranting the inclusion of the fire maintenance technicians in the unit.

I find that the evidence neither supports Petitioner's assertion that a fire and gas technicians unit constitutes a "craft" unit as defined by Board law nor does it support the conclusion that the fire and gas technicians' unit possesses a community of interest separate from the fire maintenance technicians. Rather, I find that the fire and maintenance technicians share a sufficient community of interest with the fire and gas technicians to compel a unit composed of all fire and gas department employees.

Below, I have provided a section setting forth the facts, as revealed by the record in this matter and relating to the Employer's operations and community of interest factors. Following the facts section is my analysis of the applicable legal standards in this case and a section directing an election in the unit.

1.) FACTS

A.) Employer's Operations

As indicated above, the Employer engages in construction, engineering, and oilfield support services throughout Alaska, but is primarily an oilfield service contractor to British Petroleum (BP). BP operates oilfields located on the North Slope in Prudhoe Bay, Alaska where the Employer employs about 700 employees to perform oilfield related services pursuant to a contract with BP. The service contract includes, among other work, service work on the BP's fire and gas systems.

These fire and gas systems consist of 200 fire and gas systems on the Western Operating Area (WOA) and 300 systems on the Eastern Operating Area (EOA) of the North Slope of BP's Prudhoe Bay operations. The fire and gas system is an integrated system, which detects smoke or flames and discharges an agent to suppress the hazard. Each fire and gas system consists of both a detection side and a suppression side. The detection side of the system contains the fire control panel and, generally includes detection circuits, monitoring circuits, notification circuits, control circuits, and agent release circuits. The suppression side of the system consists of an electrical releasing device that receives commands from the fire control panel to discharge fire suppression agents.

The Employer's fire and gas department performs preventative maintenance on the fire and gas systems. The fire and gas department is comprised of 19 fire and gas technicians (FG) technicians and the 12 fire maintenance (FM) technicians. Both groups of employees are supervised by the same individuals: Foremen Bud Wolff and Dave Keller.[5] Foremen Wolff and Keller report to Instrument and Electrical Supervisors J.D. Clark and Jerry Hastriter. Clark and Hastriter report to Maintenance Superintendents Jon MacDonald and Rick Butler. McDonald and Butler oversee the day-to-day operations of the entire maintenance contract in Prudhoe Bay, including the fire and gas department. MacDonald and Butler report to Project Managers Mike Ebersole and Sam Baker.[6]

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[5] The record evidence indicates that there are two individuals at each supervisory or managerial position at the lower levels of the Employer's managerial hierarchy due to the Employer's utilization of two rotating crews to perform the contract service work. Thus, while one crew works for 2 weeks, the other crew is off for 2 weeks.

[6] The parties stipulated on the record at the hearing that all of the Employer's fire and gas foremen in the fire and gas department are statutory supervisors and should be excluded from the unit as they have the

B.) Community of Interest Factors

1.) Degree of Functional Integration

The FG and FM technicians perform preventative maintenance on the fire detection and suppression systems located in buildings and modules throughout WOA and, to some extent, the EOA.[7] The FG technicians primarily perform preventative maintenance on the detection side of the system, but on the suppression side of the system, they check the electrical components of the agent releasing devices, inspect the discharge hoses for kinks or damage, and notify FM technicians whenever they observe suppression devices requiring maintenance. The FM technicians perform preventative maintenance on the suppression side of the system. Together, both the FG technicians and the FM technicians are responsible for ensuring that the overall fire and gas system performs properly.

Historically, the FG and FM technicians performed preventative maintenance on the detection and suppression system at different times, but approximately 18 months ago, BP instructed the Employer to implement "campaign" maintenance, in order to comply with an Alaskan State fire marshal's request for integrated maintenance. Campaign maintenance involves inspecting and maintaining the detection and suppression sides of the system simultaneously to ensure that the entire system functions correctly. By testing the detection and suppression sides of the system simultaneously, BP can better gauge the integrity and reliability of the fire and gas systems.

In line with this campaign maintenance approach, by the end of 2004, the Employer intends to send out mixed teams comprised of FG and FM technicians to simultaneously perform comprehensive preventative maintenance on both the detection and suppression sides of the integrated system. In preparation for the deployment of mixed teams, in May 2003, the Employer formed the fire and gas department comprised of foremen Bud Wolff and Dave Keller, FG technicians, and FM technicians.

2.) Common Supervision

The FG and FM technicians report directly to Foremen Bud Wolff and Dave Keller. Wolff and Keller are responsible for assigning work, making schedules, and ensuring that safety procedures are followed. The record also reveals that the Employer employs individuals in the fire and gas department as FG leads and as FM leads and that these leads provide instruction in their respective areas of expertise.[8]

3.) The Nature of Employee Skills and Functions

a.) FG Technicians

The FG technicians perform preventative maintenance, annual inspections, and 6-month gas inspections on the electronic and electrical control systems found in the fire detection systems, the gas detection systems, and the fire suppression systems. FG technicians work in

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authority to hire, fire, assign and to direct fire and gas department employees in their work, and also possess other indicia of supervisory authority found in Section 2(11) of the Act. In view this stipulation and the record as a whole, I shall exclude Wolff and Keller from the unit based on their supervisory status.

[7] FG technicians work primarily in the WOA; however, BP recently requested that the Employer provide FG technicians to perform limited services related to providing annual preventative maintenance and to responding to service calls for assistance on the EOA.

[8] Neither party asserts that the leads should be excluded from the unit. I further note that the record provides no basis for excluding the leads from the unit that I find appropriate herein. Accordingly, the leads are included in the unit.

teams. Although FG technicians work primarily on the detection side of the system, on the suppression side of the system, they inspect the head releases controlled by release circuitry and inspect the discharge hoses for kinks or damage. The bench technicians are a subset of the FG technicians and work in the fire and gas shop located in the Base Operations Center making electronic repairs to parts of the system that are damaged or malfunctioning.

An entry level FG technician is not required to have an electrical background but it appears that the Employer's preference is for such a background. Entry-level FG technicians may satisfy this entry-level preference with 5-years experience as a FG technician; 5-years experience as a journeyman electrical technician; 5-years experience as a journeyman sprinkler fitter; or "2-years of technical school yielding an Associate of Applied Science degree in electronics engineering technology, in lieu of 2 years of experience." The Employer issues each FG technician company owned tools such as screwdrivers, channel locks, test meters, voltage meters, pliers, electronic test equipment, and electrical types tools.

b.) FM Technicians

FM technicians perform 5-year preventative maintenance on the halon[9] systems and annual preventative maintenance on the cylinders containing the suppressant agents and on the portable fire extinguishers. FM technicians work in teams of two to three.

As for the qualifications for an entry-level FM technician position, the Employer prefers, but does not require, 5-years related experience, and FM technicians must possess a good working knowledge of fixed and portable fire protection equipment; installed fire extinguishing systems with emphasis on Halon 1301 systems; and working knowledge of mobile fire apparatus operations and related equipment. The Employer issues each FM technician company owned tools such as channel locks, spanner wrenches, pipe wrenches, screwdrivers, and electronic devices that detect halon leaks.

c.) Responsibilities of both the FG Technicians and the FM Technicians

The FG and FM technicians are responsible for identifying faulty equipment on their respective sides of the same integrated system. In this regard, both the FG technicians and the FM technicians perform a procedure called a "safeout." Both groups of technicians must perform a safeout prior to inspecting the system, so it will not accidentally dump or discharge the suppression agent. During a safeout, technicians also notify the local reporting centers that they will be performing an inspection and preventative maintenance, so that the reporting center does not interpret the alarms as an actual fire alarm. "Safeouts" by an FG technician are on both the detection and suppression sides whereas "safeouts" by an FM technician are only on the suppression side of the system.

d.) Employee Certifications or Licensing

There was substantial testimony in the record regarding the certifications or licenses that FG and FM technicians have obtained or may obtain in connection with their work for the Employer. The record revealed certifications are obtained through The National Institute for the Certification in Engineering Technologies (NICET) and that licensing is obtained from the State of Alaska.

With regard to NICET, it certifies the level of expertise and skill that FG and FM technicians possess in the categories of fire extinguishers, fire alarms, sprinklers, and special

[9] Apparently, halon gas is one of a number of suppressing agents in the fire and gas system.

hazards. In each category, there are four levels of certification, one through four, and to advance from one level to the next, individuals must pass an exam and demonstrate that they have the requisite work experience. For example, to obtain a NICET level two fire alarm certification, an individual is required to document 4,000 hours of progressively responsible experience with a variety of different types of fire and alarm control systems. While the Employer does not require that either FG or FM technicians have NICET certification, it does encourage employees to obtain NICET certification because it makes fire and gas department employees more flexible with regard to the nature and extent of the services they are able to offer to and perform for BP, which, in turn, enhances the Employer's value to BP.[10] To encourage the FG and FM technicians to obtain NICET certification, the Employer offers a dollar an hour wage increase to the technicians who earn NICET certification.[11]

Regarding Alaska State licensing, a FG or FM technician, by passing a level two NICET exam, or by demonstrating a significant verifiable work history, may obtain State of Alaska inspection licenses. The State Fire Marshal requires one to obtain a State of Alaska inspection license prior to performing inspections on the detection and suppression systems. At the time of hire, FG and FM technicians are not required to possess State of Alaska inspection licenses, but if a FG technician does not possess one upon hire in either Level IA Fire Alarms, Level IIA Sprinkler Systems, or Level IIIA Special Hazard Suppression Systems, he or she must attain one within 90 days of commencing employment in the department. Additionally, a bench technician must be willing to pursue and obtain State of Alaska licenses in Level IB Fire Alarms and IIIA Special Hazards. FM technicians are required, but not by a date certain, to obtain a State of Alaska Class III A certification for maintenance of special hazards systems and a State of Alaska Level III permit for maintenance, service inspection, and hydro testing of portable fire extinguishers and to obtain DOT registration for use of high-pressure hydrotest equipment.[12]

4.) Interchangeability and Contact Among Employees

Both the FG technicians and the FM technicians work on a "2-weeks on, 2-weeks off" basis. Accordingly, only half of the Fire and Gas Department crew works on the North Slope at any given period. FG technicians interchange with FM technicians when the former volunteer to work extra FM technician shifts, referred to by the parties as "holdovers." The record evidence shows that FG technicians holdover at the end of their 2-week shift and work additional days either before or after their scheduled 2-week shifts. From July 2002 to December 2003, FG technicians[13] logged over 3000 holdover hours performing FM technicians'

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[10] FG or FM technicians are not required to have NICET fire alarm certifications to work on fire alarms, as long as an individual with a NICET certification signs off on the inspection tag confirming that the work was performed properly.

[11] Seven FG technicians' have level three NICET certifications in fire extinguishers. The FG technicians' NICET certifications in fire alarms are as follows: eleven have level two certifications, two have level three certifications, and one has level four certification. The FG technicians' NICET certifications in sprinklers are as follows: three have level one certifications and one technician has a level two certification. The FG technicians' NICET certifications in special hazards are as follows: three have level one certifications, four have level two certifications, and one has level three certification.

As for the FM technicians' NICET certifications in fire extinguishers, eight have level three certifications. No FM technicians have NICET certifications in alarms. Four FM technicians have level two NICET certifications in sprinklers. The FM technicians' NICET certifications in special hazards are as follows: one has level one and two have level two.

[12] Presently, 14 out of 19 FG technicians and 6 out of 12 FM technicians have at least one type of State of Alaska license. Neither FG bench technician has any type State of Alaska license.

[13] Approximately 11 out of the 19 FG technicians volunteered for holdovers.

duties on the EOA.[14] When the FG technicians work holdover hours performing FM technician duties on the EOA, they start their days at the FM technicians' toolbox meeting,[15] work alongside other FM technicians, and report to the FM technician leads.[16] The record evidence further shows that in one instance, a FM technician volunteered to work holdover hours performing FG technician duties in order to receive cross training on the detection side of the integrated fire and gas system.

Any FG or FM technician may volunteer to work a holdover and the volunteer positions are filled on a first come first served basis. While the record is replete with examples of FG technicians working holdover hours performing FM technicians' duties, there is no evidence of a FG technician permanently transferring into a FM technician position or transfers the other way.

FG and FM technicians also have contact with each other during their regular shifts. For example, a FG bench technician will occasionally have contact with a FM technician while attempting to fix a FM technician's broken testing device. Out in the field, there is contact among the FM technician crews and the FG technician crews in the WOA when one crew needs assistance with a system on which they are working. The crews may also contact each other because each technician has a personal pager and they also have access to a truck radio system or telephones located in the shop or at many of the work sites.

The record also reveals that in preparation for campaign maintenance, which will commence in 2004, FG and FM crews have started to work together on projects. For instance, on October 16, 2003, FG and FM technician crews worked together developing a procedure for preventative maintenance on the new V-oil pad fire and gas system located on the WOA and on October 21, 22, and 24, 2003, FG and FM technician crews collectively tested and performed preventative maintenance on a water mist system located on the V-oil pad. The record further shows, that on August 26, 2003, and October 20, 2003, FG and FM technicians collectively inspected and performed preventative maintenance on the L-oil pad water mist system located on the WOA. In these instances, it was sufficient for just one FG technician to sign an inspection tag verifying for the fire marshal that a crew, comprised of both FG and FM technicians performed a full function preventative maintenance. The record evidence further reveals that FG technician Scott Lehman and FM technician Pat Durbin worked together performing preventative maintenance on a water suppression system on November 14-15, 2003, at Gathering Center Two (GC-2) located on the WOA. During two days of performing joint preventative maintenance, Lehman and Durbin worked together for approximately 14½ hours.

The FG technicians and the FM technicians also have contact with each other at weekly mandatory meetings that they attend along with the Employer's designers and engineers and BP's technicians and leads. Meetings are held on Sundays at the BOC located on the WOA and last from 6:30 a.m. until 11:30 a.m. The purpose of the meeting is to discuss current projects, project integrity issues, upcoming projects, safety topics, and job related issues and

[14] In this regard, FG technicians performed the 5-year inspection on the 500-pound cylinders containing halon. Inspecting a cylinder involves checking for corrosion and abnormalities and examining the hoses attached to the cylinder.

[15] There is a daily toolbox meeting at the start of the shift to address safety concerns, review hazards for the day, and relay any Employer policies to the technicians. FG and FM technicians have separate toolbox meetings.

[16] When a FG technician lead volunteered to work holdover hours performing FM technician duties, he reported to the FM technician lead.

concerns. At these meetings, FG and FM technicians also receive personnel training; health, safety, and environmental training; and technical training in preparation for NICET exams.[17] The training sessions are run by Ron Mitchell, a FG technician responsible for quality control and assurance.[18] Examples of NICET training topics include fire risk assessment; materials and components of smoke detectors; electrical installation standards; fire alarm systems/alarm notification appliances; fire alarm systems/combination systems; and the basics of estimating. By training both the FG and FM technicians about the detection and suppression components of the system, the Employer is preparing to deploy consolidated crews of FG and FM technicians to work simultaneously on the suppression and detection sides of the integrated fire and gas system. This training will also facilitate the campaign maintenance approach because the FG and FM technicians will have a comprehensive understanding of how the system works and will better understand how to assist each other.

Outside of working hours, the FG and FM technicians have limited contact with each other. The FG technicians and the 4 FM technicians working on the WOA live at the Base Operations Center while the FM technicians working on the EOA are housed in two separate facilities on the EOA. Besides not having much contact in their living quarters, the FG and FM technicians do not eat meals together.

5.) Work Situs

FG technicians work primarily on the WOA, but occasionally on the EOA due to BP's October 2003 request for FG technicians to perform annual preventative maintenance on the EOA and to respond to service calls. FG technicians start each day at the fire and gas shop located in the Base Operations Center with a toolbox meeting with their foreman. As for the FM technicians, 8 of them work on the EOA and 4 work on the WOA. The FM technicians similarly start their day with a toolbox meeting, separate from the FG technicians tool box meetings, in the fire hall with the fire chief.

6.) General Working Conditions

Regarding workdays and hours, the record reveals that FG and FM technicians both work fourteen consecutive days during their "2-weeks on" shift. The FG technicians work from 6:30 a.m. to 6:30 p.m. because their hours mirror the hours of the BP technicians with whom they share a shop. As for the FM technicians, they work the Employer's standard 7:00 a.m. to 7:00 p.m. shift.

With respect to wages, the Employer applies one wage matrix to both the FG and FM technicians. There are 3 levels on this wage matrix – level 200, level 300, and level 400.[19] When FG and FM technicians advance to the next level, their wages increase. However, wage

[17] FG and FM technicians take NICET exams on their own time, but the Employer will reimburse the cost of up to two test fees once an employee passes a level two exam; however, the level two exam is at the employee's own expense. The Employer does not administer the exam but provides training sessions as a benefit to employees.

[18] It is apparent from the record and the parties' respective briefs that there is no dispute regarding the inclusion of Mitchell in the unit. Consequently, I shall include FG technician Mitchell, who is responsible for quality control and assurance (also referred to by the Employer as "Maintenance Integrity Specialist"), in the unit.

[19] There are two FG technicians that have level 300 status and all of the other FG technicians have level 400 status. There are approximately seven FM technicians that have level 400 status.

increases are contingent upon experience, skill, and certification.[20] The record shows that FG technicians are actually paid between $25 and $32 per hour and FG technicians are actually paid between $18 and $31 an hour. Both FG and FM lead technicians receive $1.50 more an hour to perform their job duties.

Regarding training, the FG and the FM technicians, along with employees in other units, are required to take many of the same new hire safety training courses and annual safety training courses.

7.) Fringe Benefits

With respect to benefits, the Employer provides the FG and FM technicians with the same welfare and retirement benefit programs; health insurance coverage; leaves/holidays/closures pay; and accidental death or disability insurance.

2.) LEGAL ANALYSIS

Section 9(b) of the Act confers on the Board the discretion to establish the unit appropriate for collective bargaining and to decide whether such unit shall be the employer unit, craft unit, plant unit, or subdivision thereof. There is nothing in the Act which requires that the unit for bargaining be the *only* appropriate unit, or the *ultimate* unit, or the *most* appropriate unit; the Act requires only that the unit be "appropriate,'' that is, appropriate to insure to employees in each case "the fullest freedom in exercising the rights guaranteed by this Act." *Bartlett Collins Co*., 334 NLRB No. 76 (2001); *Overnite Transportation Co.,* 322 NLRB 723 (1996).

With respect to craft or departmental units, the Board has followed the general rule that when there is no bargaining history on a comprehensive basis, a craft or traditional departmental group having a separate identity of functions, skill, and supervision, exercising craft skills or having a craft nucleus, is generally appropriate. See *E.I. Du Pont & Co.*, 162 NLRB 413 (1966). As the Petitioner points out, the appropriate test for determining whether a petitioned-for group of employees constitutes a separate craft unit involves examining the following factors:

> …whether the petitioned-for employees participate in a formal training or apprenticeship program; whether the work is functionally integrated with the work of the excluded employees; whether the duties of the petitioned-for employees overlap with the duties of the excluded employees; whether the employer assigns work according to need rather than on craft or jurisdictional lines; and whether the petitioned-for employees share common interests with other employees, including wages, benefits, and cross training. *Burns & Roe Services Corp.*, 313 NLRB 1307, 1308 (1994).

Relying on the Board's holding in *Burns & Roe Corp.*, the Petitioner argues that the FG technicians constitute a traditional craft that is a readily identifiable and functionally distinct group of highly skilled and licensed employees that share a separate community of interest apart from the Employer's FM technicians. However, applying the factors set out in *Burns & Roe Services Corp*., reveals that, despite the Petitioner's arguments to the contrary, the FG technicians do not constitute a separate craft unit.

[20] Upon receipt of a National Institute for the Certification in Engineering Technologies (NICET) in level two or above, FG and FM technicians receive an extra dollar an hour for each certificate up to a maximum of three certificates.

With respect to the *Burns & Roe Services Corp*., factor regarding formal training or apprenticeship program, the record reveals that no formal training is required of the FG technicians and that the background of these individuals is varied and may vary within certain limitations upon their hire. Indeed, some of the FG and FM technicians possess the same certifications and/or licenses.[21] As for whether the Employer provides newly hired FG technicians with an apprenticeship program, the evidence shows that the Employer does not provide a formal apprenticeship program for FG technicians. However, the Employer does hold weekly technical training sessions for both the FG and FM technicians on subjects tested on NICET certification exams. Additionally, the Employer does provide financial incentive for both the FG and FM technicians to obtain NICET certifications as evidenced by the uniform wage increases provided to the FG and FM technicians for obtaining NICET certifications in either fire extinguishers, fire alarms, sprinklers, or special hazards. It is noteworthy, that the Employer is providing both the FG and FM technicians with NICET training in order for both groups of technicians to advance their skills in the same areas.[22] In sum, the record does not reveal that the FG technicians participate in a formal training program or apprentice program. Indeed, if the Employer's training program is tantamount to an apprentice program, both FG and FM technicians participate in that program.

In terms of whether the work of FG technicians is functionally integrated with the work of employees the Petitioner seeks to exclude from the unit, there is no dispute that the FG and FM technicians make up the fire and gas department and work on the same integrated fire and gas system. While the FG technicians are generally assigned projects on the detection side of the system and the FM technicians are assigned work on the suppression side of the system, the performance of preventative maintenance is accomplished only through the coordinated efforts of the FG and FM technicians. See *The Boeing Co.*, 337 NLRB No. 24, slip op. at 3 (2001). Moreover, this coordinated effort is on the upswing and will be much more pervasive when the Employer's campaign maintenance process commences in 2004.

With respect to overlap, the FG technicians are solely responsible for performing the preventative maintenance on the detection side of the system. On the other hand, the FG and the FM technicians both conduct preventative maintenance on the suppression side of the system. In particular, the FG technicians inspect the head releases controlled by release circuitry, while the FM technicians perform preventative maintenance on the rest of the suppression side of the system. Moreover, the holdover process appears to regularly involve FG technicians performing FM technicians' work. While this overlap is limited in nature and time, it is significant. With the advent of campaign maintenance in 2004, increased cross assistance or overlap between the FG and FM technician is also reasonably foreseeable.

With regard to the last *Burns & Roe Services Corp*. factor of sharing common interests, the record reveals that the FG and FM technicians share common supervision, receive roughly the same wages under the same wage matrix, and share common cross training and benefits. The two groups of employees work essentially the same schedules and currently work together

[21] While the FG technicians are expected to obtain a State of Alaska license after 90 days of employment, the record reveals that three FG technicians and two FG bench technicians do not have a State of Alaska license. Further, the Employer also requires the FM technicians to obtain a State of Alaska license, though not by a deadline date.

[22] While the Petitioner asserts that lack of an Employer sponsored apprenticeship program does not negate a finding that the FG technicians are skilled craftsman, the Board in *Wal-mart Stores,* 328 NLRB 904, 908 (1999), found that craft status for meat cutters was inappropriate because they no longer performed the full measure of once traditional skills and that the appropriate unit included all the meat department employees.

in the same work locations on a limited basis that will increase with the advent of campaign maintenance in 2004.

In sum, the FG technicians do not participate in a formal training or apprenticeship program; work on a functionally integrated fire and gas system with FM technicians; have duties that overlap with the duties of FM technicians; and share common interests with the FM technicians including wages, benefits, and cross training. While the work assignments do generally depend on whether one is a FG or FM technician, this factor alone does not overcome the other factors warranting a finding that the FG technicians do not constitute an appropriate, separate craft unit.

When the petitioned-for unit does not have the hallmarks of a traditional craft, the major determinant in an appropriate unit finding is the community of duties and interests of the employees involved. For example, the fact that two or more groups of employees engage in different processes does not by itself render a combined unit inappropriate if there is a sufficient community of interest among all these employees. *Berea Publishing Co.*, 140 NLRB 516, 518 (1963).

Many considerations enter into a finding of community of interest. See, e.g., *NLRB v. Paper Mfrs. Co.*, 786 F.2d 163 (3d Cir. 1986). The factors affecting the ultimate unit determination may be found in the following sampling: 1.) degree of functional integration;[23] 2.) common supervision;[24] 3.) the nature of employee skills and functions;[25] 4.) interchangeability and contact among employees;[26] 5.) work situs;[27] 6.) general working conditions;[28] and 7.) fringe benefits.[29]

With regard to degree of functional integration, the FG and FM work in the same department and perform work on the same integrated fire and gas system. Beginning in 2004, this functional integration will become stronger with both technicians working side by side to jointly insure that the system is working properly.

As noted above, the FG and FM technicians share common supervision.

Regarding the nature and of skills and functions performed by FG and FM technicians, both groups of employees perform preventative maintenance and inspect for faulty equipment on the same integrated fire and gas systems. Additionally, the record reveals that, while the Employer prefers that newly hired FG and FM technicians have relevant background experience, neither the FG nor FM technicians' positions are conditioned upon possessing NICET certifications or State of Alaska licenses. The Employer encourages both the FG and

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[23] *Seaboard Marine Ltd.,* 327 NLRB 556 (1999); and *Transerv Systems*, 311 NLRB 766 (1993).

[24] *Harron Communications*, 308 NLRB 62 (1992); *Sears, Roebuck & Co*., 319 NLRB 607 (1995).

[25] *Overnite Transportation Co*., 331 NLRB No. 85 (2000) (all unskilled employees at particular location); *J. C. Penney Co.,* 328 NLRB 766 (1999); *Harron Communications*, supra; *Downingtown Paper Co*., 192 NLRB 310 (1971); *Phoenician,* 308 NLRB 826 (1992).

[26] *J. C. Penney*, supra; *Associated Milk Producers*, supra; *Purity Supreme, Inc*., 197 NLRB 915 (1972); *Gray Drug Stores*, 197 NLRB 924 (1972); *Michigan Bell Telephone Co*., 192 NLRB 1212 (1971).

[27] *R-N Market*, supra; *Bank of America*, 196 NLRB 591 (1972); *Kendall Co.,* 184 NLRB 847 (1970).

[28] *Allied Gear & Machine Co*., 250 NLRB 679 (1980); *Sears, Roebuck & Co*., supra; *Yale University*, 184 NLRB 860 (1970). See also *K.G. Knitting Mills*, 320 NLRB 374 (1995), where the Board held that the fact that employees receive a salary, do not punch time clocks, receive different health insurance benefits from other unit employees, and are able to adjust their own hours was not an adequate basis for exclusion from the unit.

[29] *Allied Gear & Machine Co.*, supra; *Donald Carroll Metals*, supra; *Cheney Bigelow Wire Works*, 197 NLRB 1279 (1972).

the FM technicians to obtain NICET certifications in fire extinguishers, fire alarms, sprinklers, and special hazards. To that end, the Employer provides both the FG and the FM technicians with technical training sessions and uniform financial incentives for obtaining NICET certifications. After the FG and FM technicians begin their employment, the Employer expects them to obtain pertinent State of Alaska inspection licenses, though the evidence shows that some FG and FM technicians are not currently licensed in Alaska.[30]

In terms of interchange and contact among employees, there is ample evidence of FG technicians working extra shifts performing FM technicians duties and a growing pattern of the FG and FM technicians performing simultaneous preventative maintenance as evidenced by the L and V oil pad projects and the water suppression system project on which FG Lehman and FM Durbin worked. Additionally, FG bench technicians occasionally assist FM technicians by repairing the latter's electronic testing devices. Other examples of contact among the FG and FM technicians include attendance at weekly departmental meetings and the occasional rendering of assistance in the field. Moreover, interchange and/or contact should increase with the advent of campaign maintenance in 2004.

With respect to work situs, the FG technicians work primarily on the WOA and the FM technicians work primarily on the EOA. However, several FM technicians are assigned to the WOA and, as of October 2003, the FG technicians began performing annual preventative maintenance and responding to service calls on the EOA pursuant to BP's request. Again, campaign maintenance will increase the regularity with which FG and FM techs are working the same systems, at the same time, and in the same locations.

The FG and FM technicians work 12-hour days for 14 days and then have 14 days off. Further, the FG technicians are paid between $25 and $32 per hour and the FG technicians are paid between $18 and $31 an hour. The pay differential is a result of varying degrees of experience and/or possession of multiple NICET certifications. Indeed, both the FG and FM technicians are paid off the same wage matrix and are eligible for identical rates of pay for equivalent experience and licensure. With respect to benefits, the Employer provides the FG and FM technicians the same welfare and retirement benefit programs; health insurance coverage; annual leave/sick leave policies, and accidental death and disability insurance.

In conclusion, the analysis of the community of interest factors overwhelmingly shows that FG and FM technicians are functionally integrated in the same department to perform work on the same integrated system, share common supervision, have significant interchange and contact, and share common general working conditions and fringe benefits. While I recognize that FG and FM technicians perform separate duties, they still work on the same highly integrated system. Moreover, the dissimilarities in skills are less pronounced due to the technical training sessions the Employer provides to both the FG and FM technicians. As for differences in pay, FG and FM technicians wage rates are relatively in the same range and both are paid off the same wage matrix. Further, upon obtaining comparable skills and experience, both are entitled to the identical rate of pay. As more FG technicians work on the EOA, resulting from BP's request for FG technicians to perform preventative maintenance on the EOA, it becomes increasingly common for FG technicians and FM technicians to work at the same situs and at the same time. While there is no evidence of permanent transfers, there are regular temporary transfers from the FG positions into FM positions.

[30] This may be due to the fact that those FG technicians lacking Alaska licenses are still in their 90-day probationary period.

In view of the above and the record as a whole, I find that the FM technicians share such a sufficient community of interest with the FG technicians that a unit excluding the former employees would be inappropriate. See *United States Steel Corporation*, 192 NLRB 58 (1971).[31] Accordingly, I shall direct an election in the following unit of employees:

> All full-time and regular part-time fire and gas department employees, including all fire and gas technicians and fire maintenance technicians, employed by the Employer on British Petroleum's oil field operations located at Prudhoe Bay on the North Slope of Alaska; excluding all managers and supervisors, as defined in the Act.

3.) DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike, which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by International Brotherhood of Electrical Workers, Local Union 1547, AFL-CIO, CLC.

A.) LIST OF VOTERS

In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. *Excelsior Underwear*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that an election eligibility list, containing the alphabetized full names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director for Region 19 within 7 days of the date of this Decision and Direction of Election. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). The list must be of sufficiently large type to be clearly legible. The Region shall, in turn, make the list available to all parties to the election.

In order to be timely filed, such list must be received in the Regional Office, 915 Second Avenue, 29th Floor, Seattle, Washington 98174, on or before December 18, 2003**.** No

[31] Although the unit found herein is broader than that requested by Petitioner, I have administratively determined that the Petitioner furnished a sufficient showing of interest covering the broader unit. At the hearing, the Petitioner agreed to participate in an election in the unit found appropriate by the Regional Director, even if the unit found to be appropriate was broader than the petitioned for unit.

extension of time to file this list may be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the filing of such list. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by facsimile transmission to (206) 220-6305. Since the list is to be made available to all parties to the election, please furnish a total of 4 copies, unless the list is submitted by facsimile, in which case only one copy need be submitted.

B.) NOTICE POSTING OBLIGATIONS

According to Board Rules and Regulations, Section 103.20, Notices of Election must be posted in areas conspicuous to potential voters for a minimum of three working days prior to the date of election. Failure to follow the posting requirement may result in additional litigation should proper objections to the election be filed. Section 103.20(c) of the Board's Rules and Regulations requires an employer to notify the Board at least 5 full working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on nonposting of the election notice.

C.) RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street N.W., Washington, D.C. 20570. This request must be received by the Board in Washington, D.C. by December 29, 2003 .

DATED at Seattle, Washington, this 11th day of December 2003 .

_____
Richard L. Ahearn, Regional Director
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174

420-2901
440-1760-9133
440-1760-1000